



8-1-07

AF
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Carol Mary Rines et al

Serial No. 09/039,176

Before The Patent Appeal Center
Specialist: Timothy Cole

Filed: March 13, 1998

For: METHOD OF AND APPARATUS FOR EXPANDING FUNCTIONALITY OF
VEHICLE CASSETTE TAPE-PLAYER DECKS TO PERMIT DICTATION OR OTHER
RECORDING AND AUTOMATIC REMOTE STATION RELAYING OF THE SAME

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Replying to the latest Appeal Center "Notification of Non-Compliant Appeal
Brief" of July 19, 2007, attached is a Further Amended Appeal Brief providing the
required amplification of claim status, and the required concise explanation of subject
matter of each independent claim, with the specification or drawing reference thereto.

Any costs incurred by this filing, including for any required extension(s) of time,
petition for which is hereby made, may be charged to account no. 18-1425 of the
undersigned attorneys.

Very Respectfully,

By Robert H. Rines

Robert H. Rines
Attorney for Applicant
Reg. No. 15,932
Customer No. 41840

Date: July 31, 2007
Rines and Rines
24 Warren Street
Concord, NH 03301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Carol Mary Rines et al

Serial No. 09/039,176

Art Unit: 2627

Filed: March 13, 1998

Examiner: Davis, Donald David

For: METHOD OF AND APPARATUS FOR EXPANDING FUNCTIONALITY OF
VEHICLE CASSETTE TAPE-PLAYER DECKS TO PERMIT DICTATION OR OTHER
RECORDING AND AUTOMATIC REMOTE STATION RELAYING OF THE SAME

FURTHER AMENDED APPEAL BRIEF

This further amended appeal brief is in response both to the Primary Examiner's "Notification of Non-Compliant Appeal Brief ", dated June 6, 2007, with reference to the status of claim 32; and also in response to the further such Notification of the Patent Appeal Center of July 19, 2007, with reference to failure to provide an adequate statement status of all claims and a concise explanation of subject matter of each independent claim, and identification of structure in the specification of every claim means plus function.

This is an appeal from the decision of the Primary Examiner of December 18, 2006 finally rejecting claims 16-20, 23, 25, 27, 28, 30, 31, 33 and 35-46 of the above-identified application, and which final decision has "replaced" an earlier final rejection of January 10, 2006, from which appellants earlier appealed and filed an earlier Amended Appeal Brief of September 15, 2006. Request for reconsideration was denied in the Advisory Action of February 1, 2007.

(i) Real party in interest

Carol Mary Rines (deceased) through her executor Robert H. Rines, Robert H. Rines and Justice C. Rines are the real parties in interest herein

(ii) Related appeals and interferences

None

(iii) Status of claims

Claims 16-20, 23, 25, 27, 28, 30, 31, 33 and 35-46 have all been finally rejected and are all pending on appeal. (Claim 32 has been withdrawn).

Claims 23, 25-28, 30, 31, 33, 35-38 and 41 - 45 have each been finally rejected for lack of support in the specification, under 35 USC § 112, first paragraph.

Each of claims 16-20, 23, 25, 27, 28, 30, 31 and 33, and 35-46 has been finally rejected under 35 USC § 103 (a) as unpatentable over Glotzbach US Patent 4,677,429 in view of the combination of US Patent 4,731,811 to Dubus and US Patent 4,698,838 to Ishikawa.

(iv) Status of amendments

An amendment of April 17, 2006 was filed subsequent to the then outstanding (first) final rejection and, in advisory actions dated May 9, 2006 and February 1, 2007; this proposed amendment was entered for purposes of appeal.

(v) Summary of claimed subject matter

[Parent application 08/696244, filed August 19, 1996 has issued as U.S. Patent No. 6,002,558, on December 14, 1999.]

A. Introduction

The subject matter of each of the independent claims, as specifically explained in Section B thereof, relates to automobile entertainment decks and, as one primary feature, provides for adding thereto dictation and playback functions. In this, the objective is

"the necessity that the operator give substantially total attention to driving and minimal or insignificant operational attention to the tape deck" (p. 2, lines 13-15, of original specification);

further providing for

"enabling automatic real-time relaying of the same [the tape deck outputs], as over cellular radio telephone, to remote stations and/or for subsequent playback and automatic transmission to remote stations at desired times." (bottom p. 3 and top of p. 4; parenthesis added).

Additionally, further to the aim of "safe and minimal attention diversion from the driving function", (bottom p. 2), the invention called for "voice or sound activated on-off switch" (page 10, line 19) and "control switches...actuated by voice commands, recognized by predesignated voice command words" (page 16, lines 15, 16).

The invention furthermore generally extended this last-named concept of voice command words to all the entertainment deck component controls shown to the left in Fig. 1, preferably actuable by driver command spoken live at the steering wheel region (page 16).

The claims of this divisional application on appeal are directed to this last-named feature of separate voice command switch operation of the separate tape deck

components (page 16, line 13), including any dictation tape recorder component.

Claims 23, 35, 39 and 43-46, as later detailed, also include the feature of relaying component outputs over the cellular radio, to remote locations.

B. A concise explanation of the subject matter defined in each independent claim involved in this appeal is as follows:

Claim 23-Voice command control of each of the components of a vehicle entertainment deck (including a pre-recorded storage medium player, the dictation/ recorder player and also a cellular radio telephone).

Claim 25- Same subject matter as claim 23, but also specifically includes a driver voice command controllable AM/FM radio component.

Claim 28 -Same subject matter as claims 23 and 25 but generically applied to entertainment deck components.

Claim 30-Same subject matter as claim 23 but without driver dictation recorder.

Claim 31-Same subject matter as claim 23 but specific to player/recorder components.

Claim 32-Previously withdrawn.

Claim 33- Same subject matter as claim 30 and with voice command control of cellular telephone.

Claim 38-Same subject matter as claim 28.

C. Identification of every means plus function in each independent claim by

reference to the specification and drawings, follows:

Claims means plus function (or step plus function)

References in application

23. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including each of (1) a pre-recorded storage medium player and (2) a driver live dictation recorder/player components, and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, to operationally access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning each of said entertainment components (1) and (2) on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means programmed with a plurality of predesignated separate voice commands for respectively enabling separate operation of each of said predetermined entertainment deck components (1) and (2) and also of the cellular radio telephone, namely, a voice command for the storage-medium player, a separate voice command for the dictation recorder, and a separate voice command for the cellular radio telephone; the voice-controlled switching means being responsive to the driver selectively speaking such predesignated separate voice commands live at said steering wheel region for thereupon effecting the individual activating of the corresponding control switch.

Fig. 1 upper left

Fig. 2 upper left

1,D

C

Fig. 2 upper left,

Page 16

line 14

R, REW, PL, etc.

upper left of Fig. 1

C, 9 (Fig. 3)

upper left, Fig. 2

Page 16

lines 15, on

"RECORD"

"TRANSMIT"

25. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including all of (1) a pre-recorded storage-medium player, (2) a live dictation recorder and (3) AM/FM radio-receiver components, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to operationally access all of said components of the entertainment deck, all in a live and diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled switching means programmed with a plurality of predesignated separate driver live voice commands for the separate operation of each of said components, namely, (1) a driver live voice command for the storage medium player, (2) a

1,D,RR, Fig. 1

upper left, Fig. 1

upper left, Fig. 2

(page 16,

above)

P

D

separate driver live voice command for the live dictation recorder, and (3) a separate driver live voice command for the AM/FM radio receiver ; the voice-controlled switching means being responsive to the driver selectively speaking such predesignated separate voice commands live at the said steering wheel region for thereupon effecting the individual selective activating of the corresponding entertainment component control switch, thereby respectively and selectively to play from (1) the pre-recorded storage ~~media~~ medium for the entertainment of the driver, (2) to enable driver live dictation and recording, and (3) to enable the driver to listen to AM/FM radio broadcasts; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled activating and use of said entertainment components.

RR
(page 16)
(page 10)

27. The apparatus of claim 25 wherein switch buttons are also provided at said steering wheel region for optionally effecting the activating of the corresponding control switches.

upper left, Fig. 1
(page 16,
lines 14, 15)

28. In a driver-operated vehicle provided with a steering wheel region, a plurality of vehicle entertainment deck components, and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning each of said components on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means programmed with a plurality of predesignated voice commands for selective operation of each of said predetermined components and also of the cellular radio telephone, the voice-controlled switching means being responsive to said driver speaking such predesignated selected voice commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch.

Fig. 1 upper left
Fig. 2 upper left
1,D
C
Fig. 2 upper left,
Page 16
line 14
R, REW, PL, etc.
upper left of Fig. 1
C, 9 (Fig. 3)
upper left, Fig. 2
Page 16
lines 15, on
"RECORD"
"TRANSMIT"

30. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including both pre-recorded storage-medium player, and AM/FM radio receiver components, apparatus for enabling a driver, while seated at the steering wheel region of the vehicle, to operationally access a predetermined

Fig. 1 upper left
Fig. 2 upper left
1,D
C
Fig. 2 upper left,

component of the entertainment deck in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled switching means programmed with predesignated voice commands for separate operation of each of said predetermined components, namely a driver live voice command for the storage medium player and a separate driver live voice command for the AM/FM radio receiver; the voice-controlled switching means being responsive to the driver speaking such predesignated voice commands live at said steering wheel region for thereupon effecting the individual selective activating of the corresponding entertainment component control switch, thereby respectively and selectively to play from the pre-recorded storage medium for the entertainment of the driver and to enable the driver to listen to AM/FM radio broadcasts; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled actuating and use of said entertainment components.

31. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including storage-medium entertainment player/recorder components, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to access said components in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning said components on and off; and voice-controlled switching means programmed with predesignated driver live voice commands for selective operation of said components, namely, a driver live voice command for playing from the storage medium player for the entertainment of the driver and a separate driver live voice command for activating the recorder ; the voice-controlled switching means being responsive to the driver selectively expressing such predesignated voice commands live at said steering wheel region for thereupon effecting the selective activating of the corresponding control switch of said components respectively to play/record at the vehicle; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled actuating and use of said entertainment components.

33. In a driver-operated vehicle provided with a steering wheel region, a vehicle entertainment deck including recorder REC and player PL components and a vehicle cellular radio telephone transmitter TX for selective use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of

Page 16
line 14

R, REW, PL, etc.
upper left of Fig. 1
C, 9 (Fig. 3)

upper left, Fig. 2
Page 16
lines 15, on

"RECORD"
"TRANSMIT"

Fig. 1 upper left
Fig. 2 upper left
1,D
C

Fig. 2 upper left,
Page 16
line 14

R, REW, PL, etc.
upper left of Fig. 1
C, 9 (Fig. 3)

upper left, Fig. 2
Page 16
lines 15, on

"RECORD"
"TRANSMIT"

Fig. 1 upper left
Fig. 2 upper left
1,D
C
Fig. 2 upper left,

the vehicle, selectively to access said REC and PL components of the entertainment deck and also to access the cellular radio telephone transmitter TX, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning said components on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone transmitter; and voice-controlled switching means programmed with a plurality of separate predesignated voice commands for respective selective operation of said components REC and PL and also of the cellular radio telephone transmitter TX, the voice-controlled switching means being responsive to said driver selectively speaking such predesignated voice commands live at said steering wheel region for thereupon effecting the selective activating of the corresponding control switch.

Page 16
line 14

R, REW, PL, etc.
upper left of Fig. 1
C, 9 (Fig. 3)

upper left, Fig. 2
Page 16
lines 15, on

"RECORD"
"TRANSMIT"

35. The apparatus of claim 23 wherein said driver voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting stored or dictated information of said player or recorder component over the cellular radio telephone.

(as above)
(page 11, line 9, on)

36. The apparatus of claim 30 wherein the voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting stored or received information of said storage-medium player or radio receiver components over the cellular radio telephone.

(page 14, line 18)

37. The apparatus of claim 32 wherein the voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting played or recorded information of the player/recorder components over the cellular radio telephone.

(page 13, 2nd par.)

38. In a driver-operated vehicle provided with a plurality of vehicle entertainment deck components and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling said driver selectively to access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate voice-controlled switching means for respectively selectively turning each of said plurality of components on and off in response to predesignated corresponding respective separate voice commands, and voice-controlled switching means for selectively activating the cellular radio telephone for use by the driver, to permit driver use of the cellular radio telephone at the same time as the use of the entertainment deck components.

Fig. 1 upper left
Fig. 2 upper left
1,D
C
Fig. 2 upper left,
Page 16
line 14
R, REW, PL, etc.
upper left of Fig. 1
C, 9 (Fig. 3)
upper left, Fig. 2
Page 16
lines 15, on

39. The apparatus of claim 38 wherein said components include a dictation recorder, and means is provided operable when the recorder is operated simultaneously with the operation of the cellular radio telephone, for enabling recording of a driver's dictation on the recorder simultaneously with relaying said dictation also over the cellular radio telephone.

"RECORD"
"TRANSMIT"

40. The apparatus of claim 38 wherein said components include a dictation recorder and dictation play-back player, and means is provided operable when the player is operated simultaneously with the operation of the cellular radio telephone, for enabling the play-back player to relay the played-back dictation over the cellular radio telephone.

D, P

(page 11)

41. The apparatus as claimed in claim 40 wherein the played-back dictation is automatically effected a predetermined time after the dictation recording.

(page 11)
(page 14, line 1)

42. The apparatus of claim 40 wherein the played-back dictation is effected after a predetermined number of dictation recordings.

(page 11)

43. The apparatus of claim 38 wherein said components include a pre-recorded disc or tape player, and means is provided operable simultaneously with the operation of the cellular telephone, for enabling relaying the pre-recorded contents of the playing disc or tape over the cellular radio telephone.

(as above)

44. The apparatus of claim 43 wherein the driver is also enabled to listen in the vehicle to the playing disc or tape as well.

(as above)

45. The apparatus of claim 38 wherein said components include radio receiving equipment of AM/FM broadcast transmissions, and means is provided operable simultaneously with the operation of the cellular telephone, for enabling relaying the received radio transmission over the cellular radio telephone.

(page 14)
RR

C

46. The apparatus of claim 45 wherein the driver is also enabled to listen in the vehicle to the reception of the radio transmission.

16. Apparatus as claimed in claim 25 and in which the switching of the recording and the playback are also initiatable by driver-controlled switches at the deck.

17. Apparatus as claimed in claim 25 and in which the switching of the player is automatically effected a predetermined time after dictation recording. (pages 13, 14)

18. Apparatus as claimed in claim 25 and in which the switching of the player is automatically effected after a predetermined number of dictation recordings. (page 11, 14)

19. Apparatus as claimed in claim 25 and in which the initiation of said control switch switching is also effectable by a driver-operated switch button located at the steering wheel structure. (page 16)

20. Apparatus as claimed in claim 25 and in which initiation of said switching is effected optionally by driver live voice-command actuated switches and by switching buttons. (page 16)

(vi) Grounds of rejection to be reviewed on appeal

While the long (and painful) prosecution reflects the Office application of different references, criticisms of drawings and disclosure, telephone conferences and misunderstood positions, at this posture there are only *two* grounds of rejection remaining:

(1) a resurrected rejection that claims 23, 25-28, 30, 31 and 33, 35-

38 and 41-45 lack support in the specification (35 USC § 112, first paragraph); and

(2) that all of the claims are unpatentable under 35 U.S.C. § 103 over a

proposed "obvious" combination of the teachings of the "newly

discovered" Patent No. 4,677,429 to Glotzbach containing a disclosure in

Japanese publication of Nojiri et al (U.S. counterpart Patent No. 4,503,528),

taken together with the teachings of Patent No. 4,698,838 to Ishikawa et al

and Dubus Patent No. 4,731,811.

(vii) Argument

It will now be shown that (1) the claims are fully supported by the original disclosure, and (2) that no possible combination of the teachings of the references, singly or in combination, either solves applicants' problem of providing safety in a driver's operation of the various components in conventional entertainment decks (and in decks expanded to include driver-dictation functionality), or meets the specific limitations and terms of their claims in the providing of separate live voice-operation commands for each of the respective separate components, or for the feature of enabling the relaying transmission of a component output playing over the cellular telephone to a remote location.

(1) *The 35 U.S.C. 112 rejection*

In the present replacement final rejection, which the Examiner states was necessitated by "the newly discovered reference(s) to Glotzbach (US 4,677,429)", the Examiner now resurrects and reasserts *verbatim* his earlier abandoned 35 U.S.C. 112 (first paragraph) rejection of claims 23, 25, 28, 30, 31 and 33, 35-38 and 41-45 as containing "subject matter not described in the specification to a skilled artisan at the time the application was filed".

This is, however, the identical Sec. 112 grounds of rejection that, in the advisory action of May 9, 2006 the Examiner specifically *withdrew* as "overcome" by "applicants reply" (on pages 12 and 13 of the remarks of the amendment of April 17, 2006!). There

is no explanation, save oversight, for now resurrecting this rejection that the Examiner has specifically held had been "overcome".

Applicants must therefore repeat that reply here, first pointing out that the first criticized phrase (claim 23, for example) accessing "the cellular radio telephone optionally both separately from accessing said component and simultaneously therewith", which the Examiner incorrectly had alleged was not described in the original application, was eliminated in the entered amendment of April 17, 2000 ("to try once again to expedite allowance") such that this phrase from these claims is not even present in the claims on appeal.

As for claims 41 and 42, the Examiner has also found objectionable other phrases for which he also states he has found no original disclosure support.

Specifically, as to the Examiner's statement that the phrase "the play back dictation is automatically effected a predetermined time after the dictation recording" in claim 41 is not disclosed, this is, with respect, also entirely in error.

This very concept was introduced first on page 11 of the *original* application:

"should the operator desire the dictation or other message to be transmitted *automatically* to a remote station to which the cellular radio telephone is dialed... it may be done later... *after a certain desired monitored time has elapsed...*"

The application later teaches suitable circuits for effecting this. On page 13,

"In the event, however, it is not desired to transmit to the remote station at the time of dictation, namely Option O₄ of Fig. 2, then before-mentioned Option O₂ may be initiated a desired time to effect previously described rewinding and then play back Steps V and VI, with a selection of Step VIII of Option O₄ (button PL-TX, Fig. 1) enabling "CONNECT" switching gate C₂ to feed the output of the playback amplifier(s) directly to modulate the cellular telephone radio transmitter circuit at M¹, as before explained."

Finally, the additional teaching on pages 13 and 14 of the original specification summarized this clear teaching to anyone skilled in this art:

"The time selected for the playback *transmission of the recorded dictation* or other message via the cellular telephone radio line C to the remote station RS may be arbitrary or automatic, including after a *predetermined length of time has been monitored* at Step VIII, Fig. 2..."

Equally incorrect is the Examiner's criticism of the alleged lack of disclosure support for the phrase in claim 42 reading: "the played-back duration is effected after a predetermined number of dictation recordings". In the very same disclosures above quoted, applicants' original application also specifically taught that

"should the operator desire the dictation or other message to be transmitted automatically to a remote station to which the cellular radio telephone is dialed... it may be done later... *when a certain number of dictated inputs have been effected...*" (page 11); and

"after... *a certain number of messages or inputs has been effected...*" (page 14).

[It is further noted that, though these phrases have been used in prior claims of record for several years (claim 17, 18), they have never previously been so criticized -- only suddenly at this late date.]

Lastly, and also totally incomprehensibly to applicants, the Examiner states, in connection with claims 43 and 44, that a "disc was not described" in the application as filed.

With respect, this is also entirely in error. "Discs" were specifically described on page 1, line 4 ("discs"); page 7, line 2 ("disc cassette"); and bottom of page 16 and top of page 17 ("laser and other discs").

Clearly, the Examiner was correct in his earlier, now apparently overlooked, specific withdrawal of this §112 rejection in the advisory action of May 9, 2006, as "overcome" by "applicants reply".

Over-ruling of the 35 U.S.C. § 112 rejection thus appears to be in order and is accordingly respectfully requested.

(2) The new 35 U.S.C. 103 (a) Rejection

As for the 35 U.S.C. §103 (a) rejection of claims 16-20, 23, 25, 27, 28, 30, 31, 33 and 35-46 in the "replacement" final rejection herein, the Examiner now postures these claims as

"being unpatentable over Glotzbach (US 4, 677, 429) in view of Dubus (US 4, 731, 811)", and "Ishikawa et al".

In this, the Examiner calls specific attention in the newly cited Glotzbach patent, to the "paragraph bridging column 2 and 3", referring to a Nojiri et al Japanese publication reference, also identified as US patent 4,503,528.

This Glotzbach - Nojiri reference, however, the Examiner incorrectly states, discloses

"a driver - operated vehicle provided with a steering wheel region all in a diversionless manner with full attention to driving separate control switches for turning each of the *entertainment components* on and off."

The Examiner, however, does correctly state that "Ishikawa et al".

"is silent, however, as to a voice controlled switching mechanism programmed, with and responsive to a plurality of pre-designated separate voice commands for operation of a *cellular radio telephone*".

As for the use of "a plurality of pre-designated separate voice [commands] for operation of a *cellular radio telephone*", the Examiner alleges that this is disclosed in Dubus, concluding that

"one of ordinary skill in the art at the time the invention was made would have been motivated to provide a cellular radio telephone in a steering wheel with a voice controlled mechanism to provide a hands-free telephone system".

It is now in order, therefore, to examine what these references do and do not actually teach or suggest.

*The Description of the Nojiri Concept
In the Glotzbach Patent*

The Examiner is quite correct that the newly cited Glotzbach patent is concerned with applicants' problem of achieving substantially diversionless driver operation of an entertainment deck while driving.

The Examiner is also correct that the Nojiri et al Japanese publication described in the Glotzbach patent and in its US Nojiri patent counterpart 4,503,528 do disclose a particular way of trying to achieve this result through what the Examiner describes as "separate control switches for turning each of the entertainment components on and off".

But the Nojiri et al particular way involves a very different structure and operation from applicants' claimed invention.

In Nojiri et al, a microcomputer prompts the driver by periodically repeated sequential vocal sound synthesized word announcements, "indicative of the names" of the devices that may possibly be controlled, so that the vehicle operator may select by

signaling back "YES" or "NO" by a "pushbutton switch 2 attached to the center of the steering wheel 1 of a motor vehicle". If the driver's pushbutton response indicates "YES", the microcomputer then provides an electrical instruction signal to a control unit of the appropriate device to turn its power on or off or make a volume adjustment or the like.

In applicants' invention, as claimed herein, on the other hand, there is no such intervening microprocessor operation required; no periodic synthesized voice announcement of names for selection; and no requirement for distracting the driver to push a button switch to select and instruct the microprocessor to thereupon send an operational "Yes" or "No" signal instruction to the control unit of the appropriate device.

To the contrary, in applicants' very different concept, the driver, *on his own initiative*, and at his own time selection, merely uses *his own voice* in real time to command a particular device in the entertainment deck to turn on or off. By equipping each separate device with its own voice-command-response operational control switch, moreover, it is the *driver* who, at a time of his own choosing, directly speaks such separate voice command identification words aloud; and the voice-controlled switch, as claimed, is "responsive to the driver selectively *speaking such predesignated separate commands* live at said steering wheel region for thereupon effecting the individual activating of the corresponding control switch" (claim 23, for example, with similar limitations in all the other claims).

For whatever may be disclosed in Glotzbach or Nojiri, it certainly does not anticipate or even hint at applicants' different approach and advantages, nor read upon the specific structure of applicants' claims.

The Examiner, moreover, has ignored applicants' request that he read exemplary claim 23, for example, element for element on the reference, in order that applicants may "intelligently appeal". No such reading, indeed, is believed to be possible.

The Dubus and Ishikawa et al Disclosures

The Examiner, as earlier mentioned, concedes that Ishikawa et al "is silent", however, as to any voice-controlled switching mechanism programmed with and "responsive to a plurality of pre-designated separate voice commands"; but the Examiner now relies on Dubus for disclosing "a plurality of pre-designated separate voice commands for operation of a cellular radio telephone 12. See column 4 lines 56 through column 5, line 15." (emphasis added). Apparently, the Examiner now appreciates that Dubus lacks any such alleged teaching for the operation of any *entertainment deck* components.

No claim presently in this application, however, is directed to voice-command operation of a cellular radio telephone alone -- but only in combination with applicants' type of *entertainment component* voice-controlled operation.

In the disclosure of Dubus at the column 4, line 54 through column 5, line 15, passage reference cited by the Examiner, moreover, the only voice words described are for specifically testing the radio telephone "integration" routine, and absolutely nothing

more. There isn't even the slightest hint, let alone disclosure, of live driver words being spoken for switching, for example, the Dubus car radio on and off as in applicants' concepts.

Appellants' Present Claims

Applicants' claims fall broadly into two groups.

Group One - Claims 23, 25, 28, 30, 31, 33, 38, 16, 17, 18, 19 and 20; and

Group Two - Claims 35, 36, 37, 39, 40, 41, 42, 43, 44, 45 and 46.

Group One

The claims of Group One, of which previously mentioned claim 23 may be considered exemplary, embrace applicants' type of driver live voice-command operation of a vehicle entertainment deck -- in this claim, a two-component entertainment deck -- (1) a pre-recorded storage-medium component and (2) a dictation recorder component -- and also of a vehicle cellular radio telephone. Applicants provide and claim a separate predesignated live voice command for identifying and enabling the voice-controlled switching operation in the vehicle of the entertainment storage medium player component, and a separate live voice command for the voice-controlled switching operation of the dictation recorder component. Still a separate voice command is provided for live voice activating of the cellular radio telephone.

This is certainly not at all what is found in Dubus, column 4, line 56 through column 5, line 15, or in column 3, lines 25-27 and lines 30-31 referenced by the Examiner.

The Dubus disclosure does not anticipate and cannot even read on the specific limitations of claim 23, above quoted, as to applicants' very different concept of operating a plurality of entertainment components, (claims 28, 25, 30, 31, 33 and 38) each by its own separate live voice identification command, and apart from the different live voice command operation of the cellular radio telephone.

Dependent claims 16-20 contain all the same limitations, incorporating also other features as cooperating with and in the novel total claimed combination -- claims 16, 19 and 20 adding the redundancy of a separate set of driver switch buttons; and claims 17 and 18 reciting, automatic switching of the player a predetermined time after dictation, and after a predetermined number of dictation recordings, respectively.

Group Two

The claims of Group Two contain all the same novel and distinguishing limitations of the claims of Group One, and additionally call for applicants' novel further concept of relaying the entertainment deck component outputs over the cellular radio telephone -- claims 40-42, for example, reciting relaying the dictation recorder playback over the cell phone; claim 43, relaying the disc player content; and claim 45, relaying AM/FM received radio transmissions -- all totally outside the scope of the references, individually or combined. The Examiner, as before mentioned, certainly has made no attempt to show where these specific claim limitations are actually found in Ishikawa et al or in Dubus, or now in Glotzbach or Nojiri, or in any combination thereof -- just a blanket rejection.

The above, it is submitted, however, demonstrates that all of applicants' claims are clearly allowable, and it is accordingly urged that the rejection be reversed and that this application, at long last, be passed to issue.

Any costs required by this filing, including for any and all required brief time extensions, petition for which is hereby made, may be charged to account No. 18-1425 of the undersigned counsel.

Respectfully submitted,

RINES AND RINES

By: 

Robert H. Rines

Registration No. 15,932

Customer #41840

Date: July 31, 2007
RINES AND RINES
81 North State Street
Concord, NH 03301
603-228-0121

(viii) CLAIMS APPENDIX

16. Apparatus as claimed in claim 25 and in which the switching of the recording and the playback are also initiatable by driver-controlled switches at the deck.

17. Apparatus as claimed in claim 25 and in which the switching of the player is automatically effected a predetermined time after dictation recording.

18. Apparatus as claimed in claim 25 and in which the switching of the player is automatically effected after a predetermined number of dictation recordings.

19. Apparatus as claimed in claim 25 and in which the initiation of said control switch switching is also effectable by a driver-operated switch button located at the steering wheel structure.

20. Apparatus as claimed in claim 25 and in which initiation of said switching is effected optionally by driver live voice-command actuated switches and by switching buttons.

23. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including each of (1) a pre-recorded storage medium player and (2) a driver live dictation recorder/player components, and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, to operationally access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said

apparatus comprising separate control switches for turning each of said entertainment components (1) and (2) on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means programmed with a plurality of predesignated separate voice commands for respectively enabling separate operation of each of said predetermined entertainment deck components (1) and (2) and also of the cellular radio telephone, namely, a voice command for the storage-medium player, a separate voice command for the dictation recorder, and a separate voice command for the cellular radio telephone; the voice-controlled switching means being responsive to the driver selectively speaking such predesignated separate voice commands live at said steering wheel region for thereupon effecting the individual activating of the corresponding control switch.

25. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including all of (1) a pre-recorded storage-medium player, (2) a live dictation recorder and (3) AM/FM radio-receiver components, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to operationally access all of said components of the entertainment deck, all in a live and diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled switching means programmed with a plurality of predesignated separate driver live voice commands for the separate operation of each of said components, namely, (1) a driver live voice command for the storage medium player, (2) a separate driver live voice command for the live dictation recorder, and (3) a

separate driver live voice command for the AM/FM radio receiver ; the voice-controlled switching means being responsive to the driver selectively speaking such predesignated separate voice commands live at the said steering wheel region for thereupon effecting the individual selective activating of the corresponding entertainment component control switch, thereby respectively and selectively to play from (1) the pre-recorded storage medium for the entertainment of the driver, (2) to enable driver live dictation and recording, and (3) to enable the driver to listen to AM/FM radio broadcasts; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled activating and use of said entertainment components.

27. The apparatus of claim 25 wherein switch buttons are also provided at said steering wheel region for optionally effecting the activating of the corresponding control switches.

28. In a driver-operated vehicle provided with a steering wheel region, a plurality of vehicle entertainment deck components, and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning each of said components on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means programmed with a plurality of predesignated voice

commands for selective operation of each of said predetermined components and also of the cellular radio telephone, the voice-controlled switching means being responsive to said driver speaking such predesignated selected voice commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch.

30. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including both pre-recorded storage-medium player, and AM/FM radio receiver components, apparatus for enabling a driver, while seated at the steering wheel region of the vehicle, to operationally access a predetermined component of the entertainment deck in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled switching means programmed with predesignated voice commands for separate operation of each of said predetermined components, namely a driver live voice command for the storage medium player and a separate driver live voice command for the AM/FM radio receiver; the voice-controlled switching means being responsive to the driver speaking such predesignated voice commands live at said steering wheel region for thereupon effecting the individual selective activating of the corresponding entertainment component control switch, thereby respectively and selectively to play from the pre-recorded storage medium for the entertainment of the driver and to enable the driver to listen to AM/FM radio broadcasts; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled actuating and use of said entertainment components.

31. In a driver-operated vehicle provided with a steering wheel region and a vehicle entertainment deck including storage-medium entertainment player/recorder components, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to access said components in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning said components on and off; and voice-controlled switching means programmed with predesignated driver live voice commands for selective operation of said components, namely, a driver live voice command for playing from the storage medium player for the entertainment of the driver and a separate driver live voice command for activating the recorder ; the voice-controlled switching means being responsive to the driver selectively expressing such predesignated voice commands live at said steering wheel region for thereupon effecting the selective activating of the corresponding control switch of said components respectively to play/record at the vehicle; and a vehicle cellular radio telephone activatable for use by the driver at the same time as the voice-controlled actuating and use of said entertainment components.

33. In a driver-operated vehicle provided with a steering wheel region, a vehicle entertainment deck including recorder REC and player PL components and a vehicle cellular radio telephone transmitter TX for selective use by a driver in the vehicle, apparatus for enabling said driver, while seated at the steering wheel region of the vehicle, selectively to access said REC and PL components of the entertainment deck and also to access the cellular radio telephone transmitter TX, all in a diversionless manner with full attention to driving, said apparatus comprising separate control

switches for turning said components on and off; a further control switch for enabling the activating and deactivating of the cellular radio telephone transmitter; and voice-controlled switching means programmed with a plurality of separate predesignated voice commands for respective selective operation of said components REC and PL and also of the cellular radio telephone transmitter TX, the voice-controlled switching means being responsive to said driver selectively speaking such predesignated voice commands live at said steering wheel region for thereupon effecting the selective activating of the corresponding control switch.

35. The apparatus of claim 23 wherein said driver voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting stored or dictated information of said player or recorder component over the cellular radio telephone.

36. The apparatus of claim 30 wherein the voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting stored or received information of said storage-medium player or radio receiver components over the cellular radio telephone.

37. The apparatus of claim 32 wherein the voice-controlled switching means includes a control switch responsive to a separate voice command for transmitting played or recorded information of the player/recorder components over the cellular radio telephone.

38. In a driver-operated vehicle provided with a plurality of vehicle entertainment deck components and a vehicle cellular radio telephone for use by a driver in the vehicle,

apparatus for enabling said driver selectively to access a predetermined component of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate voice-controlled switching means for respectively selectively turning each of said plurality of components on and off in response to predesignated corresponding respective separate voice commands, and voice-controlled switching means for selectively activating the cellular radio telephone for use by the driver, to permit driver use of the cellular radio telephone at the same time as the use of the entertainment deck components.

39. The apparatus of claim 38 wherein said components include a dictation recorder, and means is provided operable when the recorder is operated simultaneously with the operation of the cellular radio telephone, for enabling recording of a driver's dictation on the recorder simultaneously with relaying said dictation also over the cellular radio telephone.

40. The apparatus of claim 38 wherein said components include a dictation recorder and dictation play-back player, and means is provided operable when the player is operated simultaneously with the operation of the cellular radio telephone, for enabling the play-back player to relay the played-back dictation over the cellular radio telephone.

41. The apparatus as claimed in claim 40 wherein the played-back dictation is automatically effected a predetermined time after the dictation recording.

42. The apparatus of claim 40 wherein the played-back dictation is effected after a predetermined number of dictation recordings.

43. The apparatus of claim 38 wherein said components include a pre-recorded disc or tape player, and means is provided operable simultaneously with the operation of the cellular telephone, for enabling relaying the pre-recorded contents of the playing disc or tape over the cellular radio telephone.

44. The apparatus of claim 43 wherein the driver is also enabled to listen in the vehicle to the playing disc or tape as well.

45. The apparatus of claim 38 wherein said components include radio receiving equipment of AM/FM broadcast transmissions, and means is provided operable simultaneously with the operation of the cellular telephone, for enabling relaying the received radio transmission over the cellular radio telephone.

46. The apparatus of claim 45 wherein the driver is also enabled to listen in the vehicle to the reception of the radio transmission.

(ix) Evidence appendix

None

(x) Related proceedings appendix

None